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24998	7590	09/27/2007	EXAMINER	
DICKSTEIN SHAPIRO LLP			DESHPANDE, KALYAN K	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/004,799	Applicant(s) USAMI ET AL.	
	Examiner Kalyan K. Deshpande	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) 11-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Introduction***

1. The following is a final office action in response to the communications received on July 13, 2007. Claims 1-5, 7, and 11-13 are now pending in this application, claims 11-13 withdrawn from consideration. Claims 6 and 8-10 have been cancelled.

### ***Response to Amendments***

2. Applicants' amendments to claims 1 and 3-5 are acknowledged. Applicants' cancellation of claim 6 is acknowledged. Per Applicants amendments, Examiner withdraws the previously submitted 35 U.S.C. 112 2<sup>nd</sup> paragraph rejections.

### ***Response to Arguments***

3. Applicants' arguments filed on July 13, 2007 have been fully considered but are not found persuasive. Applicants argue Labedz fails to teach "facility manager terminal extracts maintenance service characteristics of ... maintenance companies, such as cost, term of work, quality and service" and "decides combinations of maintenance having same said service characteristics of all ... maintenance subjects as maintenance plans".

In response to Applicants' argument Labedz fails to teach "facility manager terminal extracts maintenance service characteristics of ... maintenance companies, such as cost, term of work, quality and service" and "decides combinations of maintenance having same said service characteristics of all ... maintenance subjects as maintenance plans", Examiner respectfully disagrees. Labedz teaches entering vendor information and details and enabling users to select vendors based on such details (see

Labeledz figures 12 and 22). Examiner submits that the use of vendors is the same as maintenance companies.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Labeledz et al. (U.S. Patent No. 6993576) in further view of Watson (U.S. Patent No. 6581045).

As per claim 1, Labeledz teaches:

A building group management service support method for managing facilities composed of a plurality of maintenance subjects using a computer system by a facility manager entrusted with operations of a plurality of maintenance companies for executing maintenance for each of said maintenance subjects for said facilities from a facility owner having said facilities, and said computer system is connected to a facility owner terminal and a facility manager terminal via a network (see column 2 lines 4-18, column 3 lines 37-59, column 4 lines 38-50, column 5 lines 40-55, and figures 2-7; where a maintenance system for managing facilities is provided. The system includes a client (facility manager) entrusted with creating and scheduling maintenance tasks for those living at the facility. The client machines, servers, and database are all connected via the Internet.), and

said facility manager terminal extracts maintenance service characteristics of each of said maintenance companies, such as cost, term of work, quality and service, decides combinations of maintenance companies having same said service characteristics of all said maintenance subjects as maintenance plans, decides evaluation for operations of said facilities as facility operation evaluation on the basis of maintenance information including a fault time or fault contents output from said facilities, and indicates said plurality of maintenance plans and said facility operation evaluation on said facility owner terminal (see column 2 lines 4-18, column 3 lines 37-59, column 4 lines 38-50, column 5 lines 40-55, column 8 lines 26-45, column 10 lines 35-59, and figures 2-8, 10 and 22; where the client has access to the maintenance clearinghouse. The system also provides for inspection scheduling of facilities in order to determine whether maintenance is needed. The display provides maintenance characteristics such as cost, term of work, quality and service.), and

said facility manager terminal selects a maintenance plan entrusted with management from said plurality of maintenance plans and notifies said facility manager terminal of said maintenance plan (see column 2 lines 4-18, column 3 lines 37-59, column 4 lines 38-50, column 5 lines 40-55, column 10 lines 35-59, and figures 2-7 and 10; where the client (facility manager) selects and schedules appropriate maintenance for the facilities. Since the client (facility manager) selects the maintenance operations, he is already notified.).

Labeledz fails to explicitly teach a "facility owner terminal selects a maintenance plan". Watson teaches a "facility owner selects a maintenance plan" (see column 25 lines 19-41). The advantage to having the facility owner select a maintenance plan, as opposed to the facility manager, is that the selected maintenance plan has the entrusted support from ownership furthering the precision and organization of the system. It would have been obvious, at the time of the invention, for one of ordinary skill in the art to combine the feature of a facility owner selecting a maintenance place taught by Watson to the facility maintenance management system taught by Labeledz in order to entrust support from ownership furthering the precision and organization of the system, which is a goal of Labeledz (see column 1 lines 35-40).

As per claim 2, Labeledz teaches:

A building group management service support method according to claim 1, wherein said computer system includes a facility user terminal connected via said network and said facility manager terminal requests a user questionnaire for entering a degree of use satisfaction to a facility user using said facilities, decides an analytical result of said user questionnaire as user evaluation, and when said maintenance plan and said facility operation evaluation are to be indicated on said facility owner terminal, indicates said user evaluation (see column 10 lines 35-59 and figures 8C, 10, and 13; where the user pre-defines an inspection template. The user uses the template to determine satisfactory completion of tasks. The template consists of a list of tasks to be completed for the job. The template is the same as a questionnaire, especially since it holds specific questions for users to evaluate.

Figure 8C displays how user satisfaction is entered using a point system to indicate good, satisfactory, marginal, or poor satisfaction.).

As per claim 3, Labeledz teaches:

A building group management service support system for buildings for managing facilities composed of a plurality of maintenance subjects using a computer system by a facility manager by trust with operations of a plurality of maintenance companies for executing maintenance for each of said maintenance subjects for said facilities from a facility owner having said facilities, wherein said computer system is connected to a facility owner terminal and a facility manager terminal via a network (see column 2 lines 4-18, column 3 lines 37-59, column 4 lines 38-50, column 5 lines 40-55, and figures 2-8; where a maintenance system for managing facilities is provided. The system includes a client (facility manager) entrusted with creating and scheduling maintenance tasks for those living at the facility. The client machines, servers, and database are all connected via the Internet.), and

said facility manager terminal has a maintenance service combination display unit for displaying, from a result of extraction of maintenance service characteristics of each of said maintenance companies, such as cost, term of work, quality and service, a result of decision as a combination of maintenance companies having same said service characteristics of all said maintenance subjects and a facility operation evaluation display unit for displaying evaluation decided for said facility operation on the basis of maintenance information including a fault time or fault contents output from said facilities (see column 2 lines 4-18, column 3 lines 37-59,

column 4 lines 38-50, column 5 lines 40-55, column 8 lines 26-45, column 10 lines 35-59, and figures 2-8, 10, and 22; where the client has access to the maintenance clearinghouse. The system also provides for inspection scheduling of facilities in order to determine whether maintenance is needed. The display provides maintenance characteristics such as cost, term of work, quality and service.), and said facility manager terminal selects a maintenance plan entrusted with management from said plurality of maintenance plans and notifies said facility manager terminal of said maintenance plan (see column 2 lines 4-18, column 3 lines 37-59, column 4 lines 38-50, column 5 lines 40-55, column 10 lines 35-59, and figures 2-7 and 10; where the client (facility manager) selects and schedules appropriate maintenance for the facilities. Since the client (facility manager) selects the maintenance operations, he is already notified.).

Labeledz fails to teach a "facility owner terminal selects a maintenance plan". Watson teaches "facility owner selects a maintenance plan" (see column 25 lines 19-41). Claim 3 recites limitations already addressed by the rejection of claim 1; therefore the same rejection applies to this claim.

As per claim 4, Labeledz teaches:

A building group management service support system according to claim 3, wherein said facility owner terminal has a user evaluation display unit for requesting a user questionnaire and deciding an analytical result of said user questionnaire as user evaluation, and displaying said user evaluation (see column 10 lines 35-59 and figures 8C, 10, and 13; where the user pre-defines an inspection template. The user



uses the template to determine satisfactory completion of tasks. The template consists of a list of tasks to be completed for the job. The template is the same as a questionnaire, especially since it holds specific questions for users to evaluate. The system displays the current checklist, saved checklists, and enables the user to modify the checklists. Figure 8C displays how user satisfaction is entered using a point system to indicate good, satisfactory, marginal, or poor satisfaction.).

As per claim 5, Labedz teaches:

A building group management service support system according to claim 3 or 4, wherein input/output data in said maintenance service combination display unit, or said facility operation evaluation display unit, or said user evaluation display unit, or said maintenance plan selection unit is registered in a server connected to said network (see column 2 lines 4-18, column 3 lines 37-59, column 4 lines 38-50, column 5 lines 40-55, and figures 2-7; where all client terminals, servers, and clearing warehouse are connected a network and the Internet) and

said facility manager terminal, or said facility owner terminal, or said maintenance company terminal, or said facility user terminal refers to said input/output data via said network (see column 2 lines 4-18, column 3 lines 37-59, column 4 lines 38-50, column 5 lines 40-55, and figures 2-7; where all client terminals, servers, and clearing warehouse are connected a network and the Internet).

As per claim 7, Labedz fails to teach "facility operation evaluation and said user evaluation is executed by a terminal of an evaluation company which is a third person independent from any of said facility manager and said maintenance companies". It is

old and well-known in the art to have 3<sup>rd</sup> parties review user evaluations. The advantage of allowing a 3<sup>rd</sup> party to review user evaluations is that the third party can neutrally view the evaluations to render an accurate analysis of customer satisfaction. It would have been obvious, at the time of the invention, for one of ordinary skill in the art to enable a 3<sup>rd</sup> party to review user evaluations in order to render a more accurate analysis of user satisfaction, which is a goal of Labeledz (see column 1 line 25-29).

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kalyan K. Deshpande whose telephone number is (571)272-5880. The examiner can normally be reached on M-F 8am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
kkd

  
ROMAIN JEANTY  
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Art Unit 3623